

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the City Administrator

Kevin Donahue
City Administrator



CITY ADMINISTRATOR'S ORDER
NO. 2021-6

DATE: November 3, 2021

SUBJECT: Process for Authorizing Remote Instruction for Students Possibly Subject to Educational Neglect

By virtue of the authority vested in me as City Administrator by section 422(7) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; D.C. Official Code § 1-204.22(7)), Mayor's Order 2015-036, issued January 9, 2015, and all applicable statutory, regulatory, and administrative provisions, it is hereby **ORDERED** that:

1. **Purpose:** This Order establishes the process by which a local education agency may, in compliance with 5A DCMR § 2100.4(b)(i), provide remote instruction to a student whose parent(s) or guardian(s) have been reported to the Child and Family Services Agency ("CFSA") or the Family Court Social Services Division of the District of Columbia Courts ("FCSSD") due to possible educational neglect of the student.
2. **Process:** The process referred to in paragraph 1 of this Order shall be as follows:
 - a. Upon receipt of a report of suspected educational neglect of a student, CFSA shall, pursuant to its standard operating procedures, investigate the report and work with the student and the student's family to, as appropriate:
 - i. Obtain the agreement of the student and the student's parent(s) or guardian(s) that the student will attend school in person; or
 - ii. Obtain a medical certification for remote instruction for the student under 5A DCMR § 2100.4(a).
 - b. If CFSA is unable to obtain the agreement of the student and the student's parent(s) or guardian(s) that the student will attend school in person and the student is ineligible for a medical certification for remote learning under 5A DCMR § 2100.4(a), CFSA shall determine, whether remote instruction would present any CFSA-related safety concerns for the student.
 - c.
 - i. If CFSA determines that remote instruction would not present any CFSA-related safety concerns for the student, then CFSA shall refer the case to the student's local education agency for a determination of the student's

eligibility for remote learning pursuant to Section 2.d through f of this Order.

- ii. If CFSA determines that remote instruction would present CFSA-related safety concerns for the student, CFSA shall resume its standard procedures for investigating and addressing instances of possible educational neglect.
 - d.
 - i. If a case is referred to a local education agency pursuant to section 2.c.1. or 4 of this Order, the local educational agency shall determine, based on the standards established pursuant to subparagraph ii of this paragraph, whether to provide remote instruction.
 - ii. The standards for determining eligibility for remote instruction after referral of a student for possible education neglect (referred to hereinafter as educational neglect prevention COVID-19 remote instruction, or ENPCRI) shall be established by OSSE, which shall consider including eligibility factors such as whether the request for remote instruction is based on a justifiable health concern related to COVID-19, the student's prior record of truancy, whether the student is likely to successfully learn through remote instruction, whether the student has the necessary supports to be able to fully engage in remote instruction, and whether the student is likely to participate fully in remote instruction if ENPCRI is provided by the local educational agency.
 - e. If the local education agency determines the student is eligible for ENPCRI, it may approve ENPCRI for the student. (The local education agency may disapprove ENPCRI for a student who is otherwise eligible for ENPCRI, based on financial or operational considerations of the school.) An authorization for ENPCRI shall not extend beyond the end of the 2021-2022 school year.
 - f. Within ten (10) days after a referral from CFSA or FCSSD, the local education agency shall:
 - i. Make its determination regarding the student's eligibility for ENPCRI, approve or disapprove the ENPCRI, and inform CFSA or FCSSD, as applicable, of its determination; or
 - ii. Inform CFSA or FCSSD, as applicable, of the status of the local education agency's review of the referral and request additional time to make its determination and approve or disapprove the ENPCRI.
 - g. If the local education agency does not approve the student for remote instruction or the student or the student's parent(s) or guardian(s) refuses remote instruction, or if the local education agency does not approve or disapprove ENPCRI for the student within the ten (10)-day determination period (or such longer period of time that may be agreed upon between the local education agency and CFSA or

FCSSD, as applicable), CFSA (or FCSSD, subject to section 4 of this Order) shall resume its standard procedures for investigating and addressing instances of educational neglect.

3. **Period of Applicability:** The process set forth in this Order shall apply only to students who have been reported to CFSA or FCSSD due to concerns regarding possible education neglect during the period from August 1, 2021, through January 26, 2022, and only such students may be approved for ENPCRI.
4. **Applicability to the Family Court Social Services Division:** The Family Court Social Services Division of the District of Columbia Courts (“FCSSD”) is strongly encouraged to develop and implement policies and procedures consistent with this Order for cases of possible educational neglect referred to FCSSD during the time period set forth in paragraph 3 of this Order.
5. **Effective Date:** This Order shall become effective immediately.



KEVIN DONAHUE
CITY ADMINISTRATOR

